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AIRPORT LAND USE COMMISSION
San Luis Obispo County
Minutes of October 19, 2005

The Minutes below are in draft form. This means they have not yet been reviewed by nor approved by the Airport Land Use Commission. Action for approval will be taken at a future Airport Land Use Commission meeting. Approval may require changes to the DRAFT version shown below.

Minutes of the Regular Meeting of the Airport Land Use Commission held in the (new) County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, San Luis Obispo, CA., at 1:30 p.m.

PRESENT: COMMISSIONERS JAMES GLEIM, JIM HEGGARTY, TERRY ORTON, RICHARD POTTRATZ, ROBERT TEFFT, GERRIT VANDERZIEL AND CHAIRMAN ROGER OXBORROW

ABSENT: NONE

STAFF: BILL ROBESON, AIRPORT LAND USE COMMISSION PLANNER

OTHER: RAY BIERING, DEPUTY COUNTY COUNSEL

The meeting is called to order by Chairman Oxborrow.

The following action minutes are listed as they were acted upon by the Airport Land Use Commission and as listed on the agenda for the Regular Meeting of October 19, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Roll Call

Bill Robeson introduces Ray Biering, Deputy County Counsel, and states he is replacing Tim McNulty as counsel for the Airport Land Use Commission (ALUC).

Ray Biering explains the outside agencies he represents for the County of San Luis Obispo, and his new assignment and duties as counsel to the ALUC.

Public Comment: no one comes forward for comment.

1. **Minutes** of August 17, 2005 and the cancelled meeting of September 21, 2005 are submitted for approval. **Thereafter, on motion of Commissioner Orton, seconded by Commissioner Vanderziel, and unanimously carried, the minutes of August 17, 2005, and cancelled meeting of September 21, 2005, are approved as submitted.**

2. Staff updates:

- a. The Board of Supervisors (Board) approved the consultant contract for the preparation of the Oceano Master Plan on September 13, 2005. FAA (Federal Aviation Administration) has already given their approval of the contract.
- b. Correspondence letter from Phyllis Marinelli regarding noise complaints from the San Luis Obispo Airport.
- c. November Airport Land Use Commission Meeting.

Bill Robeson updates the ALUC on the projections for the Oceano Airport Master Plan and Oceano Draft Airport Land Use Plan (ALUP). He states he will be working with General Services, Martin Pehl, Assistant Airports Manager, and Coffman & Associates, the consultants that were approved by the Board at the September 13th meeting. He states the next step will be formulating a Planning Action Committee for the process of community involvement and moving forward with coordinating the two plans as much as possible. He adds the third document to be considered will be the Oceano Specific plan, which will follow in coordinating all the documents together.

Commissioner Gleim questions what staff will be working on the Oceano Specific Plan. Bill Robeson responds he is not sure who will be assigned to the Specific Plan, as John Hand, the previous planner on this document, will be retiring soon.

Bill Robeson comments on the correspondence included in today's packet regarding the noise complaint letter received from Phyllis Marinelli. He states General Services and Airport Staff deal with these noise issues and the ALUC does not need to respond. Commissioner Tefft states he would like to see the response letter prepared by the Airport Staff. Bill Robeson states he will follow up on any response prepared and provide a copy to the ALUC at the November meeting.

Bill Robeson discusses the schedule for the November and December outlook for ALUC meetings. Matter is discussed and Chairman Oxborrow directs staff to prepare items for a November meeting, cancel the December meeting if there are no projects or pressing issues that need to be addressed, and meet again in January 2006.

3. This being the time set for hearing to consider a mandatory referral from the **CITY OF SAN LUIS OBISPO** for determination of consistency or inconsistency for the **Four Creeks** rezoning project. (Applicants: Randy Jenson, William Tickell / City File Numbers: ER 114-02 and PD 151-03; Michael Codron, Planner). The site consists of separately owned parcels totaling 22.92 acres and 3 project components. However, the proposed rezoning will be reviewed by your commission as one project and essentially one property. The applicants are proposing to amend the zoning designation from C-S-S (Service Commercial Special Considerations) and M-PD (Manufacturing Planned Development Special Considerations) to R-4-S (High Density Residential Special Considerations) to R-4-PD (High Density Residential Planned Development). The rezoning of the property will result in a development proposal that includes 268 dwelling units (264 new dwelling units with 4 existing residences to remain) and 10,000 square feet of commercial space. The project site is located southeast of the intersection

of Broad Street (Hwy 227) and is located in San Luis Obispo Airport Safety Area S-2.

Bill Robeson describes the above project with overhead displays; describes the three components that make up the project: Commercial, Mixed Use and Residential uses. He explains the project issues, need for discussion of the proposed Detailed Area Plan and states he is available for questions.

Commissioner Pottratz comments on the 1.8 parcels recommended for rezoning to R-4 and the calculations for residential density.

Bill Robeson discusses the maximum residences and states he will defer to City Staff for additional explanation and further describes the project and density proposed. He states the Day Care Use/Special Function can be approved as a Detailed Area Plan and refers to Exhibit A showing the procedures for density adjustments and Special Function land use. He states this will be a new process for the ALUC and with further discussion with City staff a decision can be made. He recommends discussing approval of the Daycare Center and Detailed Area Plan, conditions that should be included and/or applied to this proposal to meet current and future ALUP policies; and explains that any zoning changes would need to come back before the ALUC. He recommends the request for rezoning be found consistent and suggests further discussion regarding the detailed area plan.

Commissioner Gleim questions if the annual noise complaints for that area were included in the analysis for this proposal and recommendation. Bill Robeson responds he reviewed the noise complaints for north and south of this area. He states there were very few in north area and the noise complaints in the south were not concentrated around this development. Commissioner Gleim comments that the reason there are not many noise complaints is because there is not much residential and commercial around this area now.

Michael Codron, City of San Luis Obispo Planner, describes the history of this proposed application to meet their General Plan and the ALUC policies. He discusses the Development Plan for this area, land uses, and zoning for allowing efficient development for this area. He states the mandatory review of this project is similar to a Specific Plan process; requests approval of the Detailed Area Plan, feels the Day Care Center is a minimal part of this plan and discusses safety issues. He further discusses density adjustments, zoning considerations, EIR considerations for development potential on the parcels, notes the applicants are available for questions and he is available for further questions.

Commissioners question allowable uses under the PD ordinance for the 4 lots, the reasons for the mandatory referral process and noise issues.

Michael Codron discusses the maximum development potential, proposed units and noise levels, which are included in the EIR. He explains ALUP consistency requirements for City Ordinance changes with zoning and development plans which are subject to a mandatory referral to the ALUC.

Carol Florence, Oasis & Associates, states she is representing the Creekstone side of this project and appreciates the approval of ACOS (Airport Compatible Openspace Plan) with bearing on this project. She requests the ALUC approval of the Detailed Area Plan, expresses the client's interest, the flexibility for the Daycare Center, discusses Mixed-Use components and estimated Commercial use. She states the proposed concept is residential and pedestrian orientated. She further discusses the variety of residential types proposed, the Mixed-Used portion, and the opportunity to provide residential components and services for this area. She requests a favorable response from the ALUC and states she is available for questions.

Commissioner Heggarty comments on traffic noise considerations, concerns with potential for airport noise complaints, and questions if the enclave of housing will count toward the City's affordable housing.

Carol Florence responds yes to the housing question and further discusses the application to the City's Housing Element.

Tumbling Waters Developer questions if the ALUC needs him to come forward for any questions. Chairman Oxborrow thanks the Developer; no questions are asked from the Commission.

Chairman Oxborrow comments on the rezone of this project, and states he is concerned once this zoning is changed for this proposal, the developer may be gone tomorrow. He comments on his density concerns and further discusses the detailed area plan.

Bill Robeson states the request for the rezone will not stand on its own without this proposal, notes the strong connection with the design presented today, and defers to City staff for further comment.

Michael Codron states this application is an approval of a Development Plan and the recommendation to City Council is for this specific Development Plan for rezoning.

Commissioners Tefft questions if the document submitted today is the Development Plan that would become an Ordinance; Michael Codron responds yes. Commissioner Heggarty questions if this is a specific development was it done under a Specific Plan different from the General Plan; Michael Codron responds no and explains the difference between the two documents and requirements for referral to the ALUC. Commissioner Gleim comments on his safety concerns and expresses his disappointment with this plan that is right next to an area that is noise incompatible and location this close to the Airport area. Commissioner Heggarty comments on the noise issues. Commissioner Pottratz concurs with the comments made by Commissioner Gleim; feels it is a mistake to change the zoning to Residential around an Airport area and that Manufacturing/Commercial would be more compatible. He feels this would be the highest density project in the Airport area, discusses the Airport safety issues, Airport accidents in this area, and feels this project is inconsistent based on ALUP policy G-2. Commissioner Vanderziel discusses density with the Broad Street parcel included. Commissioner Tefft states he does not like the project

and he is discouraged to see property that is designated for Commercial use being changed to Residential in the vicinity of the Airport. He states he does feel this referral is consistent with ALUP Safety and Noise policies. He further discusses the Detailed Area Plan and requirements for proposed development of units, and feels the ALUC would need more information. He discusses the safety concerns; feels the critical issue is overflight, and states he would like to see a disclosure document applied to this area for helicopter training and overflight notification and requests a disclosure document condition be added.

Michael Codron suggests, if there is consensus, that they remove the Broad Street component for density concerns, he makes suggestions for the approval of the Detailed Area Plan and discusses subsequent review by the ALUC after the subcommittee meets for more of a complete presentation of the Detailed Area Plan for the November meeting. He states this would allow an opportunity for ALUC decision before City Council makes a final decision on the project. He states he is confident that this project is consistent with the ALUP and appreciates the comments of ALUC for their concerns.

Commissioner Orton feels there will be fewer complaints with Industrial/Commercial Use over Residential, but states with looking at consistency factors with noise and safety, the project seems to work. He comments on the childcare facility, compatibility issues, density applications, and the ACOS. He feels the ACOS in the City's General Plan will really help the Airport. Chairman Oxborrow concurs with Commissioner Orton, comments on the consensus of the development project, and consistency with the ALUP. Commissioners further discuss ALUP consistency issues, Safety Policy G2, zoning changes that would have to come before the ALUC for this area, time frames for this project referral and a decision by the ALUC.

Michael Codron further explains the time frames for the project application to move forward in the City process, offers to change the referral area by removing the Broad Street parcels, addresses density concerns with a maximum density of 264 units and states he would be glad to work with Commissioner Tefft or the Subcommittee to prepare language that would meet the ALUC concerns and include the disclosure documents and CC&Rs for residents in the projects. He adds the City received Grant Funding for the housing proposed, discusses the need to move forward with the project, and requests continued discussion today for a motion of approval.

Commissioners further discuss Avigation Easement language and conditions for both the project and Ordinance change.

Michael Codron comments on the Avigation Disclosure language on page 3-51 and 3-52. Condition 7 and 8 and states the conditions for the Ordinance and project will have the same requirements.

Commissioners and Staff discuss the time frames for the project referral and conditions for language requiring avigation disclosures documents.

A motion by Commissioner Heggarty, seconded by Commissioner Tefft, to recommend the project go back to the Planning Staff and Developers and get the disclosure specifics requested by Commissioner Tefft in writing for the November ALUC meeting, is discussed.

Ray Biering discusses options for the ALUC action today.

Commissioner Heggarty withdraws his above motion and matter is further discussed.

A motion by Commissioner Heggarty, seconded by Commissioner Tefft, to find the above item consistent with San Luis Obispo County Regional Airport Land Use Plan subject to providing Staff with specific disclosure language showing the noise issue, and the document be submitted to the Airport Land Use for the Consent agenda at the November meeting, is discussed.

Michael Codron offers to remove the Broad Street portion of the project, provide the exact language the ALUC will want for the Disclosure document and comments on density and number of units proposed.

Commissioner Pottratz makes final comments on the safety issues, accidents in this area, his concerns for this consistency determination and proposed density in the Airport area. Commissioner Tefft agrees with the comments made by Commissioner Pottratz and comments on safety areas.

Matter is fully discussed, thereafter on motion of Commissioner Heggarty, seconded by Commissioner Tefft, to find the above item consistent with San Luis Obispo County Regional Airport Land Use Plan subject to providing Staff with specific disclosure language showing the noise issue, and the document be submitted to the Airport Land Use for the Consent agenda at the November meeting, is passed on the following roll call vote:

Ayes: Commissioners Heggarty, Tefft, Orton, and Chairman Oxborrow

Noes: Commissioners Vanderziel, Gleim, and Pottratz

Abstain: None

(Document No. 2005-009)

Meeting Recess

Meeting Resumes

DISCUSSION:

4. **SLO MARKETPLACE:** Applicant and Agent for the Dalidio/Marketplace, based on advise from ALUC (Airport Land Use Commission) Staff, have requested that an ALUC Subcommittee be formed to address applicable development issues. A new project proposal has not been submitted at this time, however, various Airport Land Use issues can be discussed and preliminary direction can be recommended by the subcommittee. The subcommittee and Staff will report progress and meeting information back to the ALUC on a regular basis.

Bill Robeson states the discussion of the above item will revolve around a possible subcommittee for discussing the proposed project. He further comments on the history of this project with the City, discussion review by the ALUC, reconsideration of the project review by the County and possibility for a new project proposal to be referred to the ALUC. He states the agent is requesting a subcommittee be formed to discuss and meet the requirements with the ALUP, City and County for the review process. Bill Robeson recommends working with project applicant so they may proceed with a proposal that will work with the City and be consistent with the ALUP.

Commissioner Pottratz comments on ALUP document, feels Bill Robeson can answer any questions the applicant would have and does not see a need for a subcommittee. Commissioner Vanderziel agrees. Chairman Oxborrow feels the ALUC is limited to negotiate with the policies set in the ALUP and feels the changes in the new proposal will be subject to these limitations. Commissioner Vanderziel suggests bringing the new proposal back to the ALUC as a preliminary discussion item rather than have a subcommittee and set precedence for negotiations; Chairman Oxborrow agrees. Commissioner Gleim comments on the provision in the CalTrans Handbook which urges the ALUC to work with applicants to help them understand the ALUP and states he concurs with Commissioner Vanderziel and does not recommend a subcommittee. Commissioner Tefft also recommends a preliminary referral for discussion. Chairman Oxborrow states the consensus for the best course of action is for staff to work with the applicant and bring the new proposal forward as discussion item as it moves forward in the review process.

John Shoals, Agent/RRM Design Group, agrees with the comments of the ALUC, discusses proposing a project that is more acceptable by the community and taking a fresh look at this project. He discusses areas of the ALUP that will be subject to interpretation. He feels it is best to work with staff and possibly other subcommittee members to try and craft a new plan that addresses community concerns and for direction from the ALUC. He further comments on getting dialog started on this project to approach the best strategy and estimates the projected process for this proposal to move forward will be 2 to 3 years.

Chair Oxborrow recommends the proposal go forward for Staff to review first before the ALUC gets involved. Commissioner Tefft recommends the applicant review and complies with the noise policies.

Mr. Shoals comments on the interpretation of the traffic noise verses the airport noise interpretation.

Bill Robeson questions if Supervisor Lenthall has formed a subcommittee group for dialog. Mr. Shoals responds that it has not been finalized. Bill Robeson states he will contact Supervisor Lenthall's office to work with that group also.

5. **Subcommittee Report for the formulation of the Draft Oceano Airport Land Use Plan (ALUP). Recommendations and focus areas from the subcommittee.**

a. **Formulation and discussion of Community Workshops.**

b. Formulation of processing path for the ALUP and coordination with other Plans.

Bill Robeson states he met with Commissioners Tefft and Vanderziel to look at density and the discusses the consensus of their meeting and preliminary document prepared in today's agenda packet. He defers to Commissioners Tefft and Vanderziel for additional comments and thanks Dr. Tefft for preparing today's preliminary draft document.

Commissioner Tefft discusses the situation of Oceano Airport and existing development and feels it would probably not be approved under today's guidelines. He comments on the significant development under the runway protection zone; commercial development under the centerline of the runway, and further discusses zoning in this area. He summarizes the general approach and goals of this draft document. Commissioners discuss prohibiting mixed use in this area, inconsistencies in the safety aviation areas, building height restrictions and non-residential density. Commissioner Orton questions the noise contours and Commissioner Tefft responds a noise study has not been done. Commissioner Pottratz states he has some recommended changes to this preliminary draft document. Commissioner Vanderziel recommends the subcommittee work with Commissioner Pottratz on his recommendations to the document. **Chairman Oxborrow directs the subcommittee to work with Commissioner Pottratz with the recommended changes and bring the document back as a discussion item at the November meeting.**

Commissioner Gleim questions the motion made for Agenda item 3 regarding the Four Creeks project, with Ray Biering responding to clarify the action by the ALUC.

Commissioner Vanderziel questions the outcome of the California Coastal Commission's (CCC) decision on the Mueller/Oceano Pavilion project.

Bill Robeson states he believes the CCC approved the 16 units proposed for Mr. Mueller, comments he has been told by Mr. Mueller that 36 units is what is feasible, but he will confirm the CCC action at the November meeting. Commissioner Heggarty questions clarification on the appeal to the CCC and Bill Robeson responds and states the issue brought forward by the CCC was the sensitive habitat area, which will impact building the project. Commissioner Tefft adds the CCC found no substantial issue with aviation safety that was raised in the ALUC appeal.

There being no further business, this meeting is adjourned to June 15, 2005, at 1:30 p.m., in the (new) County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, San Luis Obispo, CA.

Respectfully submitted,

Chris Macek, Secretary
Airport Land Use Commission